

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

S.O.I.TEC SILICON ON INSULATOR
TECHNOLOGIES S.A. and
SOITEC USA, INC.,

Plaintiffs/
Counterclaim
Defendants,

v.

MEMC ELECTRONIC MATERIALS, INC.,

Defendant/
Counterclaim
Plaintiff.

JURY TRIAL DEMANDED

Civil Action No.: 05-806

MOTION TO DISMISS

Defendant, MEMC Electronic Materials, Inc., hereby moves pursuant to Rule 12, Fed. R. Civ. P. to dismiss Counts I and III-VII of the Complaint for the reasons stated in the attached Memorandum.

/s/ Paul E. Crawford
Paul E. Crawford (I.D. #493)
Patricia S. Rogowski (I.D. #2632)
CONNOLLY BOVE LODGE & HUTZ LLP
The Nemours Building
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899
(302) 658-9141
(302) 658-5614 (Fax)
pcrawford@cblh.com
progowski@cblh.com

Attorneys for MEMC Electronic Materials, Inc.

It is HEREBY ORDERED this ____ day of _____, 2006 that Counts I and III-VII are dismissed.

United States District Judge

CERTIFICATE OF SERVICE

I, Paul Crawford, hereby certify that on this 18th day of January, 2006, I electronically filed the **MOTION TO DISMISS** with the Court Clerk using CM/ECF which will send notification of such filing(s) to John L. Reed. I hereby further certify that on this 18th day of January, 2006, I have served this document on the attorneys of record at the following addresses as indicated:

VIA HAND DELIVERY

John L. Reed
Denise Seastone Kraft
EDWARDS ANGELL PALMER
& DODGE LLP
919 North Market Street, 15th Floor
Wilmington, DE 19801

VIA U.S. MAIL

George W. Neuner
Robert J. Tosti
Alan M. Spiro
Brian M. Gaff
EDWARDS ANGELL PALMER
& DODGE LLP
101 Federal Street
Boston, MA 02110

Michael Brody
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601

/s/ Paul E. Crawford

Paul Crawford (Bar ID No. 493)